

# REPORT / RECOMMENDATION



**To:** MAYOR AND COUNCIL

**Agenda Item #:** IV. E.

**From:** Chad A. Millner, PE, Director of Engineering

**Action** ☒

**Discussion** ☐

**Date:** March 18, 2014

**Information** ☐

**Subject:** Approve Supplemental Assessment Agreement and Waiving of Public Hearing,  
4316 Eton Place

**Action Requested:**

Authorize Mayor and City Manager to approve attached Supplemental Assessment Agreement and Waiving of Public Hearing for 4316 Eton Place.

**Information / Background:**

During the Public Improvement Hearing for the 2014 Morningside B Neighborhood Street Reconstruction project it was discovered that we incorrectly assessed 4316 Eton Place with the W. 44<sup>th</sup> Street project completed in 2011.

4316 Eton Place was assessed one (1) Residential Equivalent Unit (REU) or \$2,031.94. As a corner property, the assessment should have been one-third (1/3) REU or \$670.54. We met with the property owners to discuss the situation. They are in agreement that with the solution to correct the assessment and have signed the attached agreement

Eton Place is scheduled for reconstruction with the 2014 Morningside B Neighborhood Street Reconstruction project. As part of that project, 4316 Eton Place will be assessed a two-thirds (2/3) REU or an estimated assessment of \$5,025.00.

The supplement assessment agreement allows us to make the necessary correction.

**Attachment:**

- I. Supplemental Assessment Agreement and Waiving of Public Hearing





**SUPPLEMENTAL ASSESSMENT AGREEMENT  
AND WAIVING OF PUBLIC HEARING  
4316 ETON PLACE, EDINA, MINNESOTA  
ROADWAY IMPROVEMENT NO. BA-383  
WEST 44<sup>TH</sup> STREET RECONSTRUCTION**

**AGREEMENT** made this 21<sup>st</sup> day of February, 2014 by and between the **City of Edina**, a Minnesota municipal corporation ("City") and **Jeffrey R. LeMunyon** and **Ingrid M. J. LeMunyon**, husband and wife ("Property Owners").

**Recitals**

- A. Property Owners are the owners of the following described property, having a street address of 4316 Eton Place, Edina, Minnesota 55424:

That part of Lot 87 lying South of the North 148 feet thereof and East of the West 20 feet thereof, "Morningside".

That part of the adjoining Northerly 8 feet of County Road as designated on the plat of "Morningside", vacated, now West 44<sup>th</sup> Street, lying between the extensions across it of the above premises.

PIN: 07-028-24-44-0101

("Subject Property")

- B. Property Owners were incorrectly assessed 1 Residential Equivalent Unit or \$2,031.94 on October 2, 2012 for City Project No. ENG 11-7, Improvement No. BA-383.

**NOW THEREFORE**, in consideration of their mutual covenants, the parties agree as follows:

**1. PUBLIC IMPROVEMENT.** The correct assessed Residential Equivalent Unit is one-third (1/3) or Six Hundred Seventy and 54/100 Dollars (\$670.54) ("Project Cost").



**3. BINDING EFFECT; RECORDING.** This Agreement shall be binding upon the Property Owners and their heirs, successors and assigns. This Agreement may be recorded against the title to the Subject Property.

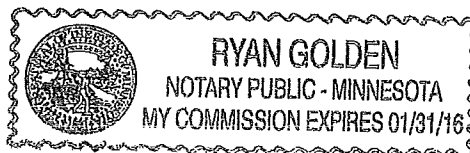
Jeffrey R. LeMunyon

Ingrid M. J. LeMunyon

[illegible]

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of February 2014 by Jeffrey R. LeMunyon and Ingrid M. J. LeMunyon, husband and wife.

Notary Public





**CITY OF EDINA**

BY: \_\_\_\_\_  
James B. Hovland, Mayor

AND \_\_\_\_\_  
Scott H. Neal, City Manager

STATE OF MINNESOTA    )  
                                  (ss.  
COUNTY OF HENNEPIN    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014 by James B. Hovland and Scott H. Neal, respectively the Mayor and City Manager of the City of Edina, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.

\_\_\_\_\_  
Notary Public

**THIS INSTRUMENT WAS DRAFTED  
BY:**

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